

7 April 1978

Honorable Abraham Ribicoff, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is in response to your request for views on H.R. 10, S. 80 and S. 980, bills to increase the participation of Federal civilian and Postal Service employees in the political process of the country and to protect such employees from improper political solicitations.

I defer comment on the merits of the question of the rights of Government employees generally to engage in political activities. I wish, however, to make several comments concerning the impact which each of these bills would have on the Government's foreign intelligence activities.

The Central Intelligence Agency produces national foreign intelligence for policy makers in the Federal Government. The usefulness and credibility of CIA's product depends in part upon its preserving both the appearance and the substance of impartiality. Even a hint of possible bias, such as could result from participation in politics by Agency employees, could damage the Agency's credibility. These same problems face each intelligence organization which produces national foreign intelligence. For these reasons, I support continued restrictions on the political activities of employees of intelligence organizations.

The provisions of S. 80, which establish regulations for employees of the CIA, recognize these very concerns. The bill would continue current restrictions on the political activities of CIA employees unless the Director of Central Intelligence determines by regulation that participation in political activities would not "adversely affect the integrity of the Government or the public's confidence in the integrity of the Government." As head of the CIA, I have no objections to this feature of S. 80.

S. 980 would permit Federal employees to engage in local partisan political activities and to hold local elective office. As indicated above, I believe employees of intelligence organizations should not participate in any partisan political activity. For this reason, I must object to passage of S. 980 in its present form.

For these reasons, I must oppose H. R. 10 in its present form. These problems would be solved by an amendment which makes clear that "restricted positions" includes all employees of an intelligence organization. Such an amendment would insure equality in the treatment of employees, guarantee the appearance of impartiality in products and, by eliminating the need for hearings by the Civil Service Commission, greatly reduce the potential for disclosure of sensitive information. I am enclosing proposed amendatory language to accomplish this. Further, I have enclosed for possible inclusion in the report accompanying the bill, language listing those agencies which are covered by the proposed amendment. Both the proposed amendment and the report language have been developed in conjunction with the Department of Defense and the Office of Management and Budget.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

Enclosure

Distribution:

Orig - Addressee, w/encl

1 - DCI, w/encl

1 - A/DDCI, w/encl

1 - ER, w/encl

1 - IC Staff, w/encl

1 - SA/DO/O, w/encl

1 - NFAC, w/encl

1 - DDS&T, w/encl

1 - OGC, w/encl

1 - Compt, w/encl

1 - IG, w/encl

✓ OLC Subject, w/encl

✓ OLC OMB Liaison, w/encl

1 - OLC Chrono, w/o encl

OLC:JEC:sm (9 Nov 77)

AMENDMENT TO H. R. 10

Pages 5 and 6, strike out all of §7322(9) beginning at page 5, line 3 and continuing through page 6, line 19 and insert in lieu thereof:

"(9) 'restricted position' means--

"(A) any position within an agency (or component of an agency) if the primary function of such agency or component thereof is engaging in foreign intelligence or counterintelligence activities;

"(B) any position with respect to which there is in effect a determination by the Commission, by regulation, that--

"(i) the duties and responsibilities of such position require that incumbent in the normal course of carrying out such duties and responsibilities--

"(I) to make decisions binding on employees with respect to whom he or she is a superior with regard to who shall be the subject of any action which is to be taken by any such employee in connection with the enforcement of any civil or criminal law (including any inspection or audit under any such law); or

"(II) to actually carry out any such action; or

"(III) to make a final determination with respect to any such action; or

"(IV) to make any substantial determination with respect to who shall be awarded contracts which are for the procurement of goods or services for the Government and which have substantial monetary value or who shall be awarded licenses, grants, subsidies, or other benefits, which involve funds or other interests having a substantial monetary value; or

"(V) to supervise individuals engaged in the awarding, administering, or monitoring of such contracts, licenses, grants, subsidies, or benefits;

"(C) any position with respect to which there is in effect a determination by the Secretary of State, by regulation, that the position is in the Department of State, the United States Information Agency, the Agency for International Development, the Arms Control and Disarmament Agency, or the Peace Corps, and--

Suggested Language for Inclusion in Report in Explanation of Phrase "Agency ... engaging in foreign intelligence or counterintelligence activities," §7322(9)(A) at page 5 of H. R. 10

"The term 'Agency...' includes the following agencies, departments and components of the Federal Government:

- A. Central Intelligence Agency;
 - B. National Security Agency;
 - C. Defense Intelligence Agency;
 - D. Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
 - E. Intelligence elements of the military services;
 - F. Intelligence elements of the Federal Bureau of Investigation;
 - G. Bureau of Intelligence and Research of the Department of State;
 - H. Intelligence elements of the Department of the Treasury;
 - I. Intelligence elements of the Department of Energy;
 - J. Intelligence elements of the Drug Enforcement Administration;
- and
- K. Staff elements of the Office of the Director of Central Intelligence that support execution of the Director's Intelligence Community responsibilities."